

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**GREY ROCK GATHERING AND
MARKETING, LLC,**
Plaintiff,

v.

**TRINITY TANKERS LLC, and
TRINITY ENTERPRISE LTD,**
Defendants.

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CIVIL ACTION NO. 4:23-cv-01448

RULE 9(h) ADMIRALTY

MOTION FOR ENTRY OF FINAL JUDGMENT

Now comes Plaintiff Grey Rock Gathering and Marketing, LLC and moves the Court for entry of final judgment. On September 12, 2023, the Court Ordered Default and Default Judgment against Trinity Tankers, LLC and Trinity Enterprise, LTD.¹ In the Order, the Court found defendants in default and held them jointly and severally liable for liquidated damages of \$4,673,315.22 for failing to perform the Contract of Affreightment.

In addition to liquidated damages, the Court found that “defendants misrepresented to Grey Rock that they could perform, knowing they could not” and that “Grey Rock justifiably relied on Trinity Tankers’ and Trinity Enterprise’s misrepresentations, to its detriment.”² The Court, having found defendants knowingly misrepresented facts to Grey Rock’s detriment, has found the necessary basis for an award of attorneys’ fees and treble economic damages under the Texas Deceptive Trade Practices Act.³ Therefore, pursuant to the Act, Grey Rock requests \$9,346,630.44 be added to the liquidated amount in the Final Judgment, resulting in an award of treble damages. Further, in compliance with the Court’s award of attorney’s fees in the default Order, Grey Rock

¹ See Docket Entry No. 13

² See *id.* at 1.

³ See Tex. Bus. & Comm. Code § 17.50(b)(1), (d).

presents the affidavit of Michael Orlando, Jr., attached hereto as Exhibit A, in support of its claim for \$41,650.00 in attorney's fees.

In addition to the damages outlined above, Grey Rock is entitled to pre-judgment and post-judgment interest. Pursuant to 28 U.S.C. 1961, post-judgment "interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment." Thus, Grey Rock requests the Court assign a post-judgment interest rate of 5.42%, which is the rate for week ending Sept. 8, 2023, as stated by the Federal Reserve Board.⁴

As to pre-judgment interest on liquidated damages, Grey Rock ask the Court to adopt the Texas rate for post-judgment interest of 8.25% as there is no prevailing pre-judgment interest rate under Federal or maritime law.⁵ Pre-judgment interest began accruing on April 18, 2023, the day suit was filed.⁶

WHEREFORE, PREMISES CONSIDERED, Plaintiff Grey Rock Gathering and Marketing, LLC requests this Court enter a Final Judgment setting out the following awards:

Liquidated economic damages	\$4,673,315.22
Pre-judgment interest at 8.25%	\$154,990.50
Treble economic damages	\$9,346,630.44
Costs of court	\$402

⁴ See Federal Reserve Board, reference ID H15/H15/RIFLGFCY01_N.WF, https://www.federalreserve.gov/datadownload/Preview.aspx?pi=400&rel=H15&preview=H15/H15/RIFLGFCY01_N.WF (last accessed Sept. 20, 2023).

⁵ See *Perez v. Bruister*, 823 F.3d 250, 274 (5th Cir. 2016) (when no federal law governing pre-judgment interest, courts look to state law).

⁶ See *Johnson & Higgins Inc. v. Kenneco Energy*, 962 S.W.2d 507, 531 (Tex. 1998).

<u>Attorney's fees</u>	<u>\$41,650.00</u>
Total damages	\$14,216,988.15

Grey Rock further prays that the Final Judgment include a post-judgment interest rate of 5.42%, accruing from the date of judgment until satisfaction of same, and for all such other and further relief to which it may be justly entitled.

Respectfully submitted,

PHELPS DUNBAR LLP

/s/ Michael A. Orlando Jr.

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